

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:01 a.m. with Commissioners Boyle, Johnson, Landis, Schram and Vap present. Chairman Johnson invited the public to address the Commission. Chairman Johnson also announced that a copy of the Nebraska Open Meetings Act was available in the meeting room. No comments were made.

GRAIN WAREHOUSE DEPARTMENT

GW-1871 In the Matter of John A. Fecht, Director, Grain Warehouse Department, Complainant, v. Hergert Grain, Inc., Scottsluff, Defendant: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order to lift the license suspension. John Fecht discussed his recommendation and Commissioners Boyle and Vap asked that if Hergert Grain does not comply with any term of the stipulation, action should be taken expeditiously, with the Commission conducting an emergency meeting, as provided by law, if necessary. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

Notice was duly published June 12, 2007 on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held June 19, 2007 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Tuesday, June 19, 2007:

911-023.64 Commission Hearing Room, Lincoln.

1:30 In the Matter of Gothenburg Police Department, Gothenburg, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation. Commissioner Vap presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

C-3739 In the Matter of Alltel Communications of Nebraska, Inc., Little Rock, Arkansas, seeking expansion of Eligible Telecommunications Carrier Designation pursuant to section 214(e)(2) of the Communications Act of 1934. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order Nunc Pro Tunc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3807 In the Matter of Telcentrex, LLC, Alpharetta, Georgia, seeking authority to provide resold and facilities-based/UNE local exchange and interexchange telecommunications services within the State of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

E-2145 In the Matter of the Fremont Department of Utilities, Fremont, seeking authority to construct, operate and maintain an electric transmission line in Dodge County: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-022.05 In the Matter of Sprint Nextel, Overland Park, Kansas, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order consolidating prior dockets and approving costs. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order approving Phase II costs in Dockets 911-023.27 and 911-023.50. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

911-023.27 In the Matter of Platte County, Public Safety Answering Point, Columbus, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.50 In the Matter of Harlan and Phelps Counties, Public Safety Answering Point, Holdrege, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.20 In the Matter of Furnas County, Public Safety Answering Point, Beaver City, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order scheduling a hearing for July 10, 2007 at 2:00 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Vap was appointed Hearing Officer.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-031 In the Matter of the Commission, on its own motion, seeking to establish surcharges assessed on users of prepaid wireless service and methods for the collection and remittance of surcharges from carriers offering prepaid wireless services: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order opening the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Jeff Pursley discussed Wireless E-911 Testing Complaints: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to open a complaint against NE Colorado Wireless, d/b/a Viaero Wireless, for non-compliance of testing notification. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-37.116 In the Matter of Jeffrey L. Pursley, Director, Nebraska Telecommunications Infrastructure and Public Safety Department, Complainant, v. Legacy Long Distance International, Inc., Respondent: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-41/PI-89 In the Matter of the Commission, on its own motion, investigating whether to assess the Nebraska Universal Service Fund surcharge on broadband services: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order closing the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-50 In the Matter of the Commission, on its own motion, seeking to make adjustments to the universal service fund mechanism established in Docket NUSF-26. Commissioner Vap presiding as Hearing Officer: Jeff Pursley discussed the Hearing Officer's Order entered June 12, 2007, scheduling a hearing for June 26, 2007, at 3:00 p.m. in the Commission Hearing Room, Lincoln.

NATURAL GAS DEPARTMENT

NG-0037 In the Matter NorthWestern Corporation, d/b/a NorthWestern Energy, Sioux Falls, South Dakota; Babcock & Brown Infrastructure Limited, BBI US Holdings Pty Ltd., Sydney NSW 2000, Australia; BBI US Holdings II Corp., and BBI Glacier Corp., San Francisco, California, seeking approval of the proposed change in control of NorthWestern Corporation. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Vap, seconded by Commissioner Landis, to enter assessment order HS-007. Motion passed with Commissioners Boyle, Johnson, Landis, Schram and Vap voting AYE.

NATURAL GAS DEPARTMENT (Cont.)

NG-0041 In the Matter of Aquila, Inc., d/b/a Aquila Networks (Aquila), Omaha, seeking individual general rate increases for Aquila's Rate Area One, Rate Area Two and Rate Area Three. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter assessment order HS-008. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NG-0044 In the Matter of Aquila Inc., d/b/a Aquila Networks, Kansas City, Missouri; Black Hills Corporation, and Black Hills/Nebraska Gas Utility Company, LLC, both of Rapid City, South Dakota, seeking approval of the proposed transfer of Aquila's Certificate of Convenience and for a Change of Control of Aquila's Nebraska jurisdictional assets. Commission Landis presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis to enter Assessment Order No. HS-002. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NG-0047/ In the Matter of the Nebraska Public Advocate for a
DR-0002 Declaratory Ruling, seeking a determination that Kinder Morgan, Inc., n/k/a SourceGas Distribution LLC, improperly implemented interim and final rates in Docket NG-0036 for which customers are entitled to a credit or refund. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter a notice of assessment order. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

P-0013.9 In the Matter of Metropolitan Utilities District of Omaha, Omaha, providing notice required by Neb. Rev. Stat. Section 66-1863, that it intends to extend or enlarge its service area or extend a gas main: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order closing the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

LEGISLATIVE REPORT

Nichole Underhill reported on the 2007 Legislative Post Session wrap-up:

Successful Bills:

- LB 661: Comprehensive communications bill encompassing provider registry; access rate hearings, TRS fund, language updates to NUSF Act, Landline and Wireless 911.
- LB 358: Changes provisions related to intrastate private motor carriers.

LEGISLATIVE REPORT (Cont.)

Unsuccessful Bills:

- LB 198: Placed requirements on political messages made by an auto-dialer, including limiting the number of calls to two (2) per day to each telephone number.
- LB 486: Adopted the Local Community Rail Security and Employee Education Act.
- LB 61: Bill that would have prohibited certain gifts and contributions to candidates for the Public Service Commission.

Pending Bills:

- LB 330: Bill that would give the Commission limited authority to resolve disputes between wireless customers and wireless carriers.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

MODF-1 In the Matter of the Commission, on its own motion, seeking to determine the seal fee amount for the Modular Housing Program. Commissioner Johnson presiding as Hearing Officer: The recessed hearing previously held on June 4, 2007 will reconvene on June 26, 2007 at 2:30 p.m. in the Commission Hearing Room, Lincoln.

TRANSPORTATION DEPARTMENT

Rate Division

In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Goods Tariff 7F: The fuel surcharge was increased to 70 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

In the Matter of Schedule A and E Rates and Charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the Schedule A and E Rates and Charges. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

Grain Dealer Division

GD-2903 In the Matter of Hawkeye Commodities Company, Grimes, IA, seeking a waiver of the Commission's Rules and Regulations regarding net worth requirements for grain dealers and retain their Grain Dealer License in the State of Nebraska: Motion made by Commissioner Boyle, seconded by Commissioner Schram, to enter an order to continue a grain dealer license with a waiver of the Commission's net worth requirements. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Commissioner Rod Johnson left the Commission Hearing Room.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to renew the Commission's agreement with Larry Fauss for the provision of public relations services. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to renew the Commission's agreement with Ted Burkey for the provision of services relating to the inspection of recreational vehicle factories in the states of California, Indiana, Kansas, Michigan, Ohio and Oregon. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to renew the Commission's agreement with Ted Burkey for the provision of services relating to the review and analysis of recreational vehicle plans. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to renew the Commission's agreement with the Bureau of Business Research for the provision of economic analysis services. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to renew the Commission's agreement with the University of Nebraska Board of Regents for the provision of services relating to the development of a wireless cost model for purposes of the Nebraska Universal Service Fund. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation for Cost of Living Adjustments and other salary adjustments. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused.

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to allow a General Administration employee's leave request. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused.

Commissioner Johnson returned to the Commission Hearing Room.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation for approval of the following Commission invoices. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Thomson West	\$	591.14
NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM		
Alternative Hearing	\$	1,603.47
Beltone		1,307.15
Grand Island Hearing		1,653.23
Carl A. Johnson Jr.		440.30
K-D Communications		1,965.70
League of Human Dignity		484.80
Professional Hearing Aid Services		354.90
Sherard Hearing Aid Center		1,076.00
Teltex		345.15
The Hearing Clinic		2,275.00
Western ENT Associates		279.90

The meeting adjourned at 11:05 a.m. with Commissioners Boyle, Johnson, Landis, Schram and Vap present. The next regularly scheduled meeting will be held on June 26, 2007, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on June 25, 2007.

Chairman

Executive Director